

REMARKS

The present application is the national stage application of International Application No. PCT/CA03/00084 filed 22 January 2003. At the time the filing under 35 U.S.C. 371 was made (July 23, 2004), a copy of "the International Application as filed" was attached to the Transmittal Letter; however, upon reviewing the copy of said application Applicants discovered that it does not correspond to the actual "International Application as filed." Accordingly, Applicants respectfully request that examination be based on the International Application that has been communicated to the Patent Office by the International Bureau. The International Application as filed contains 35 claims, and the above amendment has been made to the set of claims in the International Application as filed.

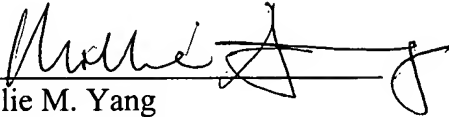
Claims 1-9 and 30-35 have been canceled, without prejudice, in order to advance the instant application to allowance. Claim 10 has been amended to convert it into an independent claim, and claims 11-18, 24 and 26-29 have been amended to depend on claim 10. Claim 25 has been amended to correct an obvious error in claim dependency.

In response to the restriction and election of species requirement Applicants hereby elect the Group I invention and the species as described in Example 1, with traverse. Claims readable upon the elected species are 10, 11, 13, 15, 17, 19, 20, and 24-29.

The Examiner alleges that the inventions listed as Groups I-III do not relate to a single general inventive concept because they lack the same or corresponding special technical features that define a contribution over the prior art; the Examiner asserts that the technical feature in common is compounds containing a core of fused indole ring and cites US 6,410,583 as supporting his position that the technical feature was known in the art prior to the filing of the instant application. The Examiner errs in that the compounds of the instant invention have specific substituents at specific positions of the tricyclic fused indole ring, whereas the '583 discloses a generic structure in which the definitions of the various substituents are wide-ranging, and the points of attachment of the substituents to the tricyclic fused indole ring are unspecified. Furthermore, none of the specific compounds disclosed in the '583 patent has the substitution pattern required of the presently claimed compounds. Thus, the technical feature in common, as defined by the Examiner, for Groups I-III is in fact not disclosed in the '583 patent. Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement based on the above remarks.

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